

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON

ANDREW L. BARNETT,

Case No. 6:21-cv-00801-MC

Plaintiff,

ORDER

v.

LINCOLN COUNTY JAIL; DEPUTY
LEWIS; CPL. MILLER,

Defendant.

MCSHANE, District Judge.

Plaintiff, an inmate at the Lincoln County Jail proceeding in forma pauperis, filed this civil rights action under 42 U.S.C. § 1983 and alleged violations of his rights under the Fourteenth Amendment. The Court dismissed two of his claims, Claims 1 and 3, for failure to state a claim and plaintiff was allowed the opportunity to amend his Complaint.

In response, plaintiff states that he does not wish to amend his Complaint and instead seeks to proceed on Claims 2 and 4 alleging excessive force and procedural due process violations against Deputy Lewis and Cpl. Miller. Accordingly, the Clerk of the Court is directed to send waiver of service packets to Lincoln County Legal Counsel. If defendants decline to

waive service, plaintiff will be notified and provided the necessary forms for service by the U.S. Marshals Service.

Plaintiff also moves for a temporary restraining order that enjoins defendants from retaliating against him. Plaintiff does not explain how defendants are retaliating against him or describe the specific actions that he seeks to enjoin. Plaintiff must be more specific if he seeks the extraordinary remedy of preliminary injunctive relief. Plaintiff must explain how he is likely to succeed on the merits of his underlying claim, how he will suffer irreparable harm if an injunction is not entered, why the balance of hardships tips in his favor, and why an injunction is in the public interest.

Finally, plaintiff renews his motion for appointment of counsel. Plaintiff's motion is denied with leave to renew for the reasons set forth in the Court's Order of July 2, 2021.

CONCLUSION

Plaintiff's Motion to Withdraw Claims 1 and 3 and for Appointment of Counsel (ECF No. 8) is DENIED. Claims 1 and 3 have been dismissed and plaintiff's request to withdraw them is moot. Plaintiff's request for appointment of counsel is denied with leave to renew. Plaintiff's Motion for Temporary Restraining Order (ECF No. 9) is DENIED with leave to renew.

The Clerk of the Court is directed to send the Complaint, this Order, and waiver of service packets to Lincoln County Legal Counsel.

IT IS SO ORDERED.

DATED this 28th day of July, 2021.

s/ Michael J. McShane
MICHAEL J. MCSHANE
United States District Judge